
EXPLANATORY NOTE

(This note is not part of the Order)

These Rules amend the Civil Procedure Rules 1998 (CPR) to ensure that the provisions of the CPR governing procedure in relation to the recognition and enforcement of judgments as between courts in England and Wales and courts in other EU Member States are consistent with the provisions of Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) (“the recast Judgments Regulation”).

The recast Judgments Regulation, which comes into force on 10th January 2015, replaces Council Regulation (EC) No. 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (“the original Judgments Regulation”). The recast Judgments Regulation contains revised provisions both on jurisdiction, and on recognition and enforcement of judgments. The provisions on jurisdiction are not the subject of provision in the CPR, but the CPR do contain provision, in Part 74, in relation to recognition and enforcement which requires amendment to reflect the provision in the recast Judgments Regulation. The main change in the recast Judgment Regulation in relation to recognition and enforcement of judgments is the removal of the process known as *exequatur* which, under the original Judgments Regulation, requires a judgment of a court in another Member State which is to be enforced in one of the jurisdictions in the United Kingdom to undergo a process of registration and a declaration of enforceability in the relevant jurisdiction before it can be enforced there. Part 74 of the CPR contains provisions for this process in England and Wales, and it is those provisions which these Rules amend.

Rule 4 of these Rules amends Part 6 of the CPR to replace references to the original Judgments Regulation with references to the recast Judgments Regulation.

Rule 5 of these Rules amends Part 74 of the CPR—

- to replace references to the original Judgments Regulation and provisions of that version of the Regulation with references to the recast Judgments Regulation and provisions of the recast Judgments Regulation;
- to remove requirements for registration or a declaration of enforceability before a judgment of a court in another Member State can be enforced under the recast Judgments Regulation in England and Wales;
- to make provision for the procedure for the making of an “adaptation order” pursuant to article 54 of the recast Judgments Regulation, whereby a legal remedy contained in a foreign judgment but unknown to the law of England and Wales may be adapted for the purposes of enforcing the judgment to a remedy which is known to the law of England and Wales.

Rule 6 of these Rules makes transitional and saving provision. The transitional provisions in article 66 of the recast Judgments Regulation have the effect that the original Judgments Regulation will continue to apply, in relation to judgments arising from existing proceedings, for a significant period. Rather than have two sets of provisions in the CPR (one for the original Judgments Regulation, and one for the recast Judgments Regulation), the approach adopted is to remove from the CPR the provisions relating to the original Judgments Regulation, but to provide (in rule 5 of these Rules) for the amendments to the CPR not to apply where the original Judgments Regulation continues to apply, so that the provisions relating to the original Judgments Regulation also continue to apply.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.